

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS A. AKINS, }
Petitioner, }
v. } Civil Action No. 05-337 Erie
PAUL J. STOWITSKY, et al., }
Respondents. }

MEMORANDUM ORDER

AND NOW, this 18th day of December, 2006, and upon review, *nunc pro tunc*, of Plaintiff's untimely filed Supplement to his objections [Doc. No. 46] to Magistrate Judge Susan Paradise Baxter's report and recommendation dated November 30, 2006 [Doc. No. 42], recommending that Plaintiff's Petition be dismissed and that a certificate of appealability be denied, the following order is entered:

IT IS HEREBY ORDERED the Plaintiff's Petition for Writ of Habeas Corpus is DISMISSED and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 42] of Magistrate Judge Baxter, filed on November 30, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge